



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/18/3486

Re: Property at 38 Ardgay Street, Glasgow, G32 7AS (“the Property”)

Parties:

GOSAL Property Ltd, 4 Barrachnie Drive, Garrowhill, Glasgow, G69 6SN (“the Applicant”)

Miss Julieanne Cupples, 38 Ardgay Street, Glasgow, G32 7AS (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Possession of the property be granted.

BACKGROUND

The Application seeks an Order for Possession under Rule 65.

The case called for a Case Management Discussion at 2pm on 5 March 2019. This is conjoined with an action for payment referenced FTS/HPC/CV/18/3487.

The proceedings have been intimated upon the Respondent by Sheriff Officer delivery on the 13th of February 2019.

A lease between the parties commenced on 18 June 2015. The tenancy is a short assured tenancy. A copy of the lease is produced. The application is also accompanied by a copy of the AT6 which was served and a copy of the section 11 Notice of proceedings for possession. The title sheet for the property was available and a statement of account relative to the rent.

THE HEARING

The Applicant was represented by Messrs TC Young. The Respondent did not appear nor was she represented. No representations have been received from her.

The Applicant's agent moved for an Order for possession and Order for payment representing the outstanding rent due. An up to date rent statement was produced.

FINDINGS AND REASONS


The Tribunal found that there are more than 3 months rent outstanding. Rent due is £695 per calendar month. Outstanding rent is currently £16,103.36.

The Tribunal was satisfied that the Applicant is entitled to an Order for possession on the basis that there are more than 3 months rent outstanding. This is a mandatory ground for an Order for possession being made.

The Applicant is also entitled to an Order for payment in the sum of £16,103.36 being the contractual rent due in terms of the lease.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.



Legal Member/Chair

5/3/19

Date